REMARKS

The Office Action mailed March 21, 2006 considered claims 1-48. Claims 1, 2, 4, 6,10, 11, 21, 25, 27, and 38-41 were rejected under 35 U.S.C. 102(b) as being anticipated by Yu (US 5,561,456) hereinafter *Yu*. Claims 5, 7, 15-17, 20, 29, 30, 42, and 48 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Yu* in view of Kuhn (US 2002/0157112) hereinafter *Kuhn*. Claims 8, 9, and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Yu* in view of Durana (US 6,018,765) hereinafter *Durana*. Claims 12-13 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Yu*. Claims 18 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Yu* in view of *Kuhn* as applied to Claim 15 above, and further in view of *Durana*. Claims 22-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Yu* in view of McClain, et al. (US 6,722,214) hereinafter *McClain*. Claims 43-45 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Yu* in view of Brown (US 5,771,435) hereinafter *Brown*. Claims 46 and 47 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Yu* in view of *Brown* as applied to claim 43 above, and further in view of *Durana*.[1]

Applicants respectfully traverse the rejections, but have nonetheless amended the independent claims of the present application so as to clarify the distinctions from the art cited by the Examiner. In particular, claims 1, 10, 11, 25 and 38 have been amended[2], such that claims 1, 2, 4-13, 15-30, and 38-48 remain pending, and of which claims 1, 10, 11, 25, and 38 are the only independent claims.

As mentioned in the last response, the present application is directed to reducing network traffic by aggregating redundant streaming and real-time media requests by removing redundant requests. For example, amended claim 1 recites a method for providing streaming media from a wide area network to a plurality of receivers. The method includes at least one aggregation module receiving a request for real-time streaming media accessible via a wide area network from each of a plurality of receivers. Each request includes an identifier representative of the receiver making the request. The method further includes using the at least one aggregation

[1] Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for the amendments can be found throughout the specification, but with particularity at page 6, lines 3-8.

module, aggregating a plurality of requests into a single request and sending the single request for a single copy of the real-time streaming media to the wide area network. The single copy of the real-time streaming media is buffered at the at least one aggregation module. Using the buffered single copy of the real-time streaming media, the streaming media is delivered to the plurality of receivers.

Claim 10 claims a computer program product including computer readable medium with instructions for performing the acts of claim 1. Claim 11 is similar to claim 1 but varies in scope in at least elements related to aggregation modules, the type of media streamed, and the method for delivering data to receivers. Claim 11 nonetheless recites: "aggregating a plurality of requests into a single request and sending the single request for a single copy of the streaming media to the network through a proxy module in communication with the aggregation module...."

Claim 25 is a computer program product claim with similar scope to the other claims recited herein. Claim 25, however, recites elements in functional means language as outlined in the specification. Claim 25 recites at least "program code means for, after receiving the request, aggregating a plurality of requests into a single request and sending the single request for a single copy of the streaming media to a network through the proxy module...."

Claim 38 is directed to a system for implementing one embodiment of the invention, and includes at least an access module communicating with the plurality of receivers and the source module through the network. Claim 38 recites at least that the access module is configured to receive the request for media, aggregate requests by removing redundant requests to create a single request, send the single request for a single copy of the media to the network, and then subsequently deliver the requested media in a format selected by the access module based upon changes to the first connection rate as media is delivered to two or more of the plurality of receivers.

As reflected above, Applicants note that all of the claims specifically require an aggregation module to receive a number of requests for the same media, aggregate the number of requests into a single request, and forward the single request to a network. In direct contrast, Yu shows that all requests from clients for video are received at a server and that video is then served from the server directly to the clients. See Figure 1, server 100 and client station 103. See also col. 4, line 15 through col. 5, line 25. *If* any aggregating of requests for video is

accomplished, it is accomplished at the server 100. The server 100 then serves the video to requesting clients by first waiting for the expiration of a given time period. See Abstract ("[w]hen stream capacities become available, rather than scheduling the movie immediately the scheduler delays performance of the video until just prior to the expiration of the maximum wait tolerance time of the longest waiting one of the pending performance requests"). Yu only discloses request being sent to the server 100 and the server responding directly back to the client 103. While Yu may show a single multicast *response*, Yu fails to disclose a single *request* that is an aggregation of multiple requests being sent to a network. Thus, Yu fails to disclose that which is recited by the claims of the present application. The remaining art cited by the Examiner is cited to show various features of the dependent claims, but do not compensate for that which is not taught or suggested by Yu.

For at least the foregoing reasons, Applicants respectfully submit that the cited art neither anticipates or makes obvious the claimed invention, as recited, for example, in the independent claims. Furthermore, although the foregoing remarks have been focused primarily on the independent claims, it will be appreciated that all of the rejections and assertions of record with respect to the independent claims, as well as the dependent claims, are now moot, and therefore need not be addressed individually. However, in this regard, it should be appreciated that Applicant does not necessarily acquiesce to any assertions in the previous Office Action that are not specifically addressed above, and hereby reserves the right to challenge those assertions at any appropriate time in the future, should it arise, including any official notice.[3]

[3] Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 21st day of June, 2006.

Respectfully submitted,

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